P. Peter Ramsay &ca

30

July 14. 1766.

Unto the Right Honourable the Lords of Council and Seſſion,

THE
PETITION
OF
PETER RAMSAY, ANDREW WILSON, and others, Counſellors and Burgeſſes of the Burgh of *Tittenweem*,

Humbly Sheweth,

THAT your petitioners, in the beginning of laſt ſeſſion, preſented a complaint to your Lordſhips, ſetting furth, That the election of magiſtrates and counſellors, made at Michaelmas laſt, in the burrow of Pittenweem, had been brought about by the moſt groſs acts of bribery and corruption, practiſed on the part of Mr Alexander, one of the candidates in the late diſputed election, and his adherents: And therefore, praying, that the Court would reduce and ſet aſide the ſame.

The reſpondents, unwilling to enter into a proof of the fact, which they were conſcious could be clearly proved againſt them, at firſt proponed a dillatory defence, which, however, was repelled by your Lordſhips juſtice; and anſwers being given *in cauſa* to the complaint, your Lordſhips, by your interlocutor of this date, "Allowed the complainers a proof of the facts ſet

Dec. 21. 1765.

" forth

See
20th July 1766
President quoted ye
case of Fulton's
children agt Mellor
where ye Justiciary
Court would not allow
witnesses to be
examined in order
to prove yt a witness
had said otherwise
before.
Auchinleck ye point does
concern ye witness, but
means yt ye witness, he
[illegible] himself by
a copy yt he had [illegible]
10; does not to prove
malice.
Coalstoun 3 questions
put on ye witness if
probable [illegible]
is that ye party may
be allowed to [illegible]
ye witness [illegible] here
produced [illegible]
[illegible]
found yt ye question
should not be put
reserving objections on
answers as to ye other
parts [illegible]
found yt [illegible]
ought to be delete

"forth in the petition and complaint, and of all facts and circumſtances relative thereto, and allowed the reſpondents a conjunct probation thereanent; as alſo, allowed the reſpondents a proof of the facts contained in their anſwers, and of all facts and circumſtances relative thereto, and the complainers a conjunct probation thereanent, and granted commiſſion, *&c.*"

Your petitioners extracted an act and commiſſion, and were proceeding to cite witneſſes for proving their complaint, when the reſpondents ſerved them with a writ of appeal. Your Lordſhips judgment was affirmed with *L.* 100 coſts.

June 14. 1766. Your Lordſhips, of this date, upon an application from the petitioners, renewed the commiſſion formerly granted to both parties, till the 5th day of July inſtant.

Your petitioners immediately extracted the act and commiſſion, and having, without loſs of time, cited their witneſſes, had proceeded in taking the proof, with all the diligence and activity in their power, and had at laſt very nearly brought the ſame to a cloſe on their part, in ſpite of all the dilatory artifices made uſe of on the part of the reſpondents in order to gain time: And to prevent this cauſe from being determined before another Michaelmas election ſhould interveen, the reſpondents, of this
July 8. 1766. date, preſented a petition to your Lorſhips, praying to have the term for proving, prorogated to the 12th of November next. And, on the other hand, your petitioners having, by petition of the ſame date, prayed, that your Lordſhips would only prorogate the term for proving, for a week longer, ſo that the cauſe
July 9. 1766. might be adviſed this ſeſſion, your Lordſhips, of this date, were pleaſed to pronounce the following interlocutor: "The Lords having heard theſe petitions, they renew their former act and commiſſion for taking the proof thereby allowed, both at Edinburgh and London, and prorogate the term for reporting thereof till the 12th of November, and grant diligence againſt witneſſes and havers."

Although from this interlocutor, an eſſential prejudice does ariſe to the petitioners, yet they have choſen to acquieſce therein, rather than trouble or hurry the Court beyond what their time and the variety of other buſineſs will admit of.

There ſeems, however, to be ſome miſtake in wording the interlocutor. The petitioners muſt therefore ſubmit the ſame to your Lordſhips review, and humbly pray for a rectification thereof.

Your Lordſhips will be informed, that, in virtue of the act and commiſſion and diligences formerly granted, both parties had cited all the witneſſes whom they had thought neceſſary to be adduced on either ſide; and neither party, in theſe laſt mentioned applications to your Lordſhips for a prorogation, expreſſed any deſire or intention to have any other witneſſes cited in this cauſe. And particularly, with regard to the reſpondents, it ſeemed to be very unneceſſary to think of adding to their liſt of witneſſes, as it contains above ninety, who are already cited for them. The petitioners, therefore, humbly apprehend, as neither party were demanding liberty to cite more witneſſes, nor was any cauſe ſhown why their number, already too great, ſhould be increaſed, that it was not your Lordſhips intention, in renewing the act and commiſſion, that either of the parties ſhould be allowed to cite new witneſſes not contained in the executions already given in. The petitioners preſume, that all that was intended by your Lordſhips was, to give new authority, and full time for finiſhing the examination of the witneſſes already cited.

As the interlocutor however ſtands conceived, there ſeems to be given to either party a new and unlimited power to cite as many more witneſſes as they ſhall chuſe; and the petitioners have good reaſon to believe, that the reſpondents are reſolved to make uſe of the handle thereby given them, and are diſpoſed to ſwell their liſt of witneſſes beyond all due bounds, in order to give as much trouble, and protract time as much as poſſible. The petitioners, on the other hand, are not deſirous of following this method: They have already examined all the witneſſes formerly cited, whom they think neceſſary, excepting a very few, not above eight or ten in number. The intention of the reſpondents in this conduct muſt be obvious to your Lordſhips. They have lyen by till the petitioners have almoſt finiſhed their proof; and have hitherto examined only about a dozen of witneſſes on their part. They have now prevailed ſo far as to get a whole vacation before them, during which they may take full ſcope, and adduce witneſſes without end. They have ſeen the point, which the clear proof, on the part of the petitioners, tends to eſtabliſh, and will now have a full opportunity, as this interlocutor ſtands, to try to redargue the ſame by ſuch new witneſſes as they may think proper, without being confined to thoſe contained in their original liſt, upon which the parties joined iſſue at the commencement of the proof. The danger and impropriety of allowing ſuch a liberty to the reſpondents, and the diſadvantage which may thereby ariſe to the petioners, muſt be apparent to your Lordſhips. It is unneceſſary to conſume your Lordſhips time with arguments to illuſtrate this point. What is here complained of, is clearly againſt the eſtabliſhed form of procedure, and, in every view, highly inexpedient.

The petitioners humbly apprehend, that the interlocutor granting the prorogation ſhould have been conceived in the following terms: "Renewing the former act and commiſſion for "examining the witneſſes already cited for both parties, and "prorogating the term for reporting till the 12th of November." There was no occaſion for adding theſe words, "grant "diligence againſt witneſſes and havers;" becauſe the witneſſes, who only ought to be examined, were cited on the former diligence, and, in virtue thereof, can be examined under the new commiſſion; and if ſecond diligence is neceſſary, application muſt be made for the ſame to the Court, or your Lordſhips may now, in rectifying this interlocutor, grant warrant for ſecond diligence againſt ſuch witneſſes as may fail to appear upon the firſt.

The petitioners muſt next take the liberty of ſtating to your Lordſhips ſome things which have occurred in the courſe of this proof, about which it has become neceſſary to have the directions of the Court.

The reſpondents, among other devices, had fallen on a moſt ingenious method to lengthen out the proof, and protract the time: But to which, it is humbly thought, your Lordſhips will not be inclined to give any encouragement.

The witneſſes who have been examined on the part of the petitioners, are people of good character, and, ſo far as is known to the petitioners, unexceptionable in every reſpect; and no objection whatever has hitherto been ſuſtained, or indeed propoſed to any of them. The preſumption of reaſon and of law is in favour of their veracity: And if your Lordſhips, on reading through the proof, ſhall find that, almoſt in every particular, they concur and ſupport one another, it will add weight to their teſtimonies; and your Lordſhips will be far from ſuppoſing, that they have concerted to ſwear falſely, or that they are guilty of perjury.

From the conduct of the reſpondents, however, this laſt ſeems to be the notion which they affect to entertain of them. For your Lordſhips will be informed, that they have thought proper to enter a proteſt, for reprobator, againſt almoſt every witneſs who has hitherto been adduced by the petitioners; and this, although they do not ſo much as pretend to know, or to ſpecify any fact or circumſtance on which to ground this injurious opinion or ſuſpicion, the keenneſs and animoſity with which conteſts of this ſort are ſometimes carried on, can never juſtify the groundleſs imputation, which is thus wantonly endeavoured to be thrown upon the characters of ſo many reputable witneſſes. The law has, for good reaſons, allowed a party, who has good ground to ſuſpect the inhability or partiality of a witneſs adduced againſt him, but which he cannot inſtantly prove, to enter his proteſt, that he ſhall afterwards be allowed to reprobate the teſtimony of ſuch witneſs. But it is a thing unheard of in practice, and which cannot fail to have a ſtrange and indecent appearance, that this proteſt for reprobator, which is a ſort of accuſation of perjury, ſhould be offered as a thing of courſe againſt 20 witneſſes in one cauſe, without the leaſt pretence of information or knowledge how this calumnious charge is to be made out: The petitioners ſubmits it to your Lordſhips, that this is a matter too ſerious to be idly ſported with.

But what the petitioners mean chiefly to complain of, and at preſent to ſubmit to your Lordſhips conſideration is, the method which the reſpondents point at in bringing this proof of the reprobators, which they have proteſted for.

They have inſiſted, that they ſhall be allowed to intermix this proof with the proof in the principal cauſe, and without any warrant from your Lordſhips, or the leaſt appearance of regular proceſs or authority, without any previous notice to the complainers, or the witneſs whoſe teſtimony is meant to be reprobated; and without any condeſcendence of facts which they offer to prove, that they ſhall be allowed, in a ſummary manner, to adduce ſuch witneſſes as they pleaſe, in order to prove their reprobators.

One ſtrong inſtance has already occurred, and ſeveral attempts of the like kind have ſince been made. Ann Thomſon, daughter to one of the reſpondents, was adduced for the complainers, and has deponed to what ſhe heard paſs in converſation betwixt her father and Bailie Martin, the perſon who made the bargain with Mr Alexander. The reſpondent's agent proteſted for reprobator againſt her, and, in the initials of her oath, ſpecially interrogated her as to a great many particulars; amongſt others, Whether ſhe bore, or ever threatened malice againſt the reſpondents? to all which, ſhe deponed *negative*. A few days after ſhe had deponed, and was returned home, the reſpondents adduced one Margaret Ounſton, a low woman, and, without any previous notice, offered to prove by her, expreſſions of malice alledged to have been uttered by the ſaid Ann Thomſon, againſt ſome of the reſpondents, in an idle converſation, which ſhe and another woman were alledged to have had with Ann Thomſon upon the ſtreet of Pittenweem, and proceeded to examine her thereon, before the agent for the petitioners had time to conſider of, or to form the proper objections againſt this irregular procedure. So ſoon as her examination was over, and the purport thereof diſcovered, an objection was immediately entered on the part of the petitioners, againſt her oath being admitted as part of the proof, and againſt receiving any other witneſſes, for the ſame purpoſe of reprobating the teſtimony of preceeding witneſſes, in that unuſual ſhort-hand manner.

The reſpondents, however, inſiſted to go on in their own way, and actually obtained, for the ſame end, the examination of another witneſs, one Chriſtian Thomſon the wife of a fiſherman, who is niece to one of the reſpondents, and on that account, a witneſs totally incompetent to be adduced for them, although this laſt circumſtance was not at that time known to the petitioners.

If the reſpondents ſhall be allowed to proceed in this way, it is impoſſible to ſay where, or when, the proof in this caſe is to end: Two or three witneſſes may be adduced under pretence of reprobating the teſtimonies of every former witneſs; no matter whether they prove any thing or not, their examinations, induſtriouſly lengthened out, will always take up ſo much time, and ſerve at leaſt to create uunecceſſary trouble and perplexity to the petitioners, and the witneſſes who have been examined on their part.

But delay or trouble is not the only hardſhip which may thus be put upon the complainers. A more material injuſtice may be done to them, and to the witneſſes who have been examined for them, by this method of conducting the proof on the part of the reſpondents.

It will readily occur to your Lordſhips, that this ſummary and incidental method of inſiſting in an action of reprobator, or rather of adducing the proof therein, without any action being brought, or proper authority for that purpoſe, is a thing utterly unknown in practice, and extremely improper to be allowed. The law has required a regular courſe to be followed in caſes of this kind, and has eſtabliſhed the action of reprobator, which, like every other action has its fixed forms and rules of procedure, and which are treated of at length by all our lawyers. The intereſt of the party for whom a witneſs has been adduced, but above all, the character and ſafety of the witneſs himſelf, are ſo deeply concerned in an attempt to reprobate his teſtimony, and thereby convict him of perjury, that it was juſt and neceſſary that this matter ſhould be gone about with ſome degree of formality and preciſion. Thus, becauſe the concluſion of the action imports perjury, the concurrence of his Majeſty's Advocate is held to be neceſſary; and, for the ſame reaſon, the witneſs himſelf muſt be made a party to it, and he is intitled to demand that a condeſcendence of the facts offered to be proved, ſhould previouſly be given in, in order that he may come prepared for his defence; and, on this account, and becauſe the reprobation of witneſſes is reckoned calumnious, as the preſumption is in favour of their veracity, the law has required that the reprobatory witneſſes ſhould be perſons above all exception; and the Court, in ſome caſes, has ordained the purſuer to conſign a ſum of money to be given up to the defender, in caſe the action is found to have been calumnious. Theſe things are clearly laid down in our law-books, and eſtabliſhed by repeated deciſions of your Lordſhips, December 13th 1637, Robertſon. Stair, 9th November 1676, Paterſon. And 18th January 1678, Irving.

But your Lordſhips will obſerve, that, in the preſent caſe, not one of theſe requiſites have been complied with. The proof offered by the reſpondents, to ſhow that the witneſſes adduced on the part of the complainers, have been guilty of perjury in the initials of their teſtimonies, has been brought incidentally into the proof in the principal cauſe, without ſo much as an application to the Court, or authority from your Lordſhips for citing witneſſes for that purpoſe. There is no concurrence of his Majeſty's Advocate; the preceeding witneſſes have not been made parties to this proof, the iſſue of which may affect them ſo deeply; nor were they ſo much as called to be preſent at the examination of the witneſſes adduced againſt them; no condeſcendence of facts offered to be proved was previouſly given in, and the reprobatory witneſſes in the above caſe of Ann Thomſon, are far from being perſons above all exception, being in fact two women from among the very loweſt of the people, and one of them niece to one of the defenders; and therefore, a moſt incompetent witneſs to be adduced on their part.

This proof, indeed, in the petitioner's humble apprehenſion, appears altogether abſurd and incompetent, in the manner in which it is offered. Your Lordſhips interlocutor above recited, allows to both parties a conjunct probation of the facts ſet forth in the complaint and anſwers, and of all facts and circumſtances relative thereto. The parties, therefore, are neceſſarily confined to the facts therein ſet forth, and neither of them can be obliged to go to proof as to any extraneous facts not contained in the complaint or anſwers. In the warrant of citation alſo, and in the very citation itſelf, the witneſs is warned to appear, and give evidence as to theſe facts, and as to theſe only. It ſeems utterly incongruous, therefore, that a witneſs cited in this manner, and for that purpoſe, ſhould yet be examined upon an alledged extraneous fact, which is not mentioned in the complaint or anſwers, and which has no ſort of relation to any thing therein contained. Whether a particular witneſs examined in this cauſe, may have expreſſed ſome reſentment againſt one or other of the reſpondents, in a looſe converſation, has ſurely no manner of concern with the point in iſſue in this caſe, Whether the Michaelmaſs election at Pittenweem was brought about by the means of bribery and corruption?

The petitioners would further humbly ſubmit it to your Lordſhips, that as the declared intention of the proof offered, is totally to reprobate the teſtimony of a former witneſs againſt whom no legal objection was made, or does lye; and as the witneſs did upon oath, without the leaſt heſitation, purge herſelf of malice againſt the reſpondents, that this is ſufficient to remove all ſuſpicion of enmity; and that it is not relevant in this manner to attempt to ſet aſide her teſtimony, on account of an angry looſe expreſſion, thrown out in an idle unmeaning diſcourſe. Even ſuppoſing ſuch expreſſion to have been ſtronger than is alledged in the preſent caſe, it will never follow that an angry or paſſionate expreſſion, however vehement, will afford a proof of mortal enmity, rooted in the heart, ſuch as will produce wilful perjury in giving evidence. Men, as well as women, but eſpecially women of the lower rank, are apt, upon many occaſions, to give a looſe to their tongues in violent expreſſions, which will by no means diſqualify them for ever after to give evidence againſt a party who was, on thoſe former occaſions, the object of their ſeeming diſpleaſure. Such inconcluſive evidence of enmity, without any viſible or real cauſe, is ſufficiently removed by purging the witneſs of malice, which is an affection or diſpoſition of the witneſs's own mind, and can only with certainty be known to herſelf. She has diſclaimed it when under a ſolemn oath; and it is impoſſible for any two or more witneſſes to prove her perjured in that article, becauſe it is what ſhe muſt know better than all the world beſides. In the nature of the thing therefore, this preliminary part of the witneſs's depoſition is incapable of a reprobator, becauſe there are no *termini habiles* for diſproving it; nor is it poſſible that a witneſs can be convicted of corruption, in denying, upon oath, malice or ill-will in her own heart, when, in the nature of things, no witneſs who can be adduced againſt her, can prove the contrary. And agreeably to what is here pleaded, your Lordſhips decided in a caſe collected by Falconer, 22d November 1751, Ramſay *contra* Ramſay; where, notwithſtanding a condeſcendence was given in, and offered to be proved by a cloud of unexceptionable witneſſes, of a continued courſe of the moſt violent expreſſions of ill-will and imprecations againſt one of the parties; yet, in regard the witneſs had purged herſelf of malice, upon oath, your Lordſhips repelled the reprobator which was offered.

Upon theſe, and other grounds, which will readily occur to your Lordſhips, the petitioners flatter themſelves that you will have no difficulty in finding, that the proof of reprobator here offered is irrelevant and incompetent to be proceeded in in the manner here attempted; and that therefore your Lordſhips will ordain the two depoſitions above recited, and ſuch other parts of the proof adduced by the reſpondents as have been objected to on the ſame ground, and are liable to the ſame objections, to be expunged out of the proof; leaving it to the reſpondents to apply to your Lordſhips, without delay, in the regular form, as was done in the above caſe, Ramſay *contra* Ramſay, for a warrant to cite witneſſes in their reprobator, after giving in a condeſcendence of the facts they offer to prove; and, as juſtice requires, allowing the party, and witneſſes intereſted, an opportunity of coming prepared, and being heard in their defence.

Another incident occurred in the courſe of this proof, which the petitioners ſhall ſtate to your Lordſhips in a very few words, and which will ſerve as a ſpecimen to ſhow your Lordſhips what liberties the reſpondents take with the witneſſes adduced on their part.

The Reverend Mr John Cheeſely, miniſter of the goſpel at St Monance, was offered as an evidence on the part of the reſpondents. It was known that he had been an active and zealous friend of Mr Alexander's: And it having been obſerved, for two or three days previous to his appearing in the character of a witneſs, that a paper of his hand-writing was very much uſed by the reſpondents, in making objections to ſome witneſſes, and forming

ing queries to others: This led the managers for the petitioners to ask him ſome queſtions, with regard to the part he had taken in this affair, and How far he had not been employed in ſearching for evidences, and otherways in giving partial counſel to the reſpondents, ſo as to make it improper for him to be a witneſs in the cauſe? In anſwer to theſe queſtions, Mr Cheeſely was obliged to admit his having given partial counſel, in a manner as ſtrong as can well occur. After having deponed to ſome ſpecial interrogatories, he was called upon to look at the papers upon the table, and to ſay, if there was not there lying a paper of his hand-writing, from which the defenders lawyers had put the interrogatories to himſelf, and to other witneſſes. He accordingly pointed out the paper upon the table, which he acknowledged to be of his hand-writing, and that he had given it by way of information to Mr Alexander: But, as the whole queſtions put to him in the initials of his oath, and the anſwers made thereto, are of a very curious nature, the whole ſhall be tranſcribed and ſubmitted to your Lordſhips conſideration: "Being interrogate "for the complainers, If or not he has given advice to Mr Alex-"ander or the agent, or any other employed by Mr Alexander "in this cauſe, with regard to conducting the evidence as to "what facts could be proved, or by what witneſſes? depones, "That he has ſaid to Mr Alexander himſelf, or ſome of his "friends, That he heard ſuch and ſuch repreſentations of "and ſuch and ſuch facts, and that he believed ſuch and ſuch "witneſſes would be proper to be called in the caſe, to prove "or diſprove. Being interrogate, When he came laſt to "town, and, Whether ſince that time he has ſuggeſted any "queſtions to be put to the witneſſes in this cauſe, or any "facts to be proved, or any perſons to be adduced? depones, "That, as he thinks, that, as he mentioned, or may have mention-"ed, ſuch and ſuch witneſſes to prove or diſprove ſuch and ſuch "facts or repreſentations, he may alſo have hinted at the parti-"cular way of proving or diſproving theſe, and believes he may "have done ſo ſince he came to town, which was on Monday "laſt. Depones, That he did in writing ſuggeſt, ſince he came "to town, both facts and the names of witneſſes; and which "writing he gave in to Mr Alexander as he thinks, at leaſt, Mr

" Alexander was in the room when he gave it. Depones, That " Mr Alexander did mention to him, that if he knew of any " thing that could be of ſervice in this affair, he would take it " kind and friendly if he would ſuggeſt it. Depones, That ſince " he came to town, he has ſuggeſted objections which he thought " might be made againſt ſome of the witneſſes in this cauſe. Depones, That he was not cited till laſt night about ſeven o'clock: " That he did not know that he was to be cited till he came to " town, and that he came to town to bring home his wife who " had been left here indiſpoſed. Depones, He has informed Mr " Alexander, that he knew of facts that might be material in this " cauſe, and informed him ſo both by writ and word of mouth; " but that this was before he was ſummoned, or knew that he " was to be ſummoned in the cauſe; and that after he had ſo informed Mr Alexander by word of mouth, he deſired the deponent might put it in writing for the ſake of his, Mr Alexander's, memory. And depones, That he mentioned no facts to " Mr Alexander, or any other perſon employed by him ſince he " was cited."

From theſe facts, which, with ſome difficulty, were drawn from Mr Cheiſely, it occured to the petitioners, that a legal objection aroſe againſt his being admitted as an evidence for the reſpondents, on account of his having given partial counſel, and indeed acted directly as an agent in their ſervice. An objection was accordingly ſtated to that purpoſe; and an anſwer having been made on the part of the reſpondents, Mr Alexander Roſs, one of the depute clerks of ſeſſion, who happened then to be Commiſſioner, " allowed the witneſs to be examined, reſerving the " conſideration of the objection to the Lords at adviſing."

This judgment of the Commiſſioner's the petitioners beg leave to bring under your Lordſhips review; and humbly ſubmit it, whether a ſtronger caſe can occur of partial counſel on the part of a witneſs. It would be improper to take up your Lordſhips time in uſing arguments on this ſubject. The facts admitted by the witneſs ſpeak for themſelves; and will, it is humbly thought, convince your Lordſhips, that he ought not to have been admited as a witneſs. Poſſibly the way in which ſome of the anſwers are given to the queſtions, which were put to the witneſs, may not increaſe your Lordſhips opinion of his fitneſs to give impartial evidence in this cauſe. The petitioners are in no ſhape apprehenſive, from the weight of any thing depoſed to by Mr Cheiſely; for in reality he has ſaid nothing that can hurt them: But they are unwilling to allow any improper evidence to be laid before your Lordſhips, in a caſe of this nature; and are only deſirous that a check ſhould be given by your Lordſhips juſtice, to the irregularities in conducting the proof on the part of the reſpondents.

May it therefore pleaſe your Lordſhips, 1mo, *To review and alter your foreſaid interlocutor of the 9th July current, ſo far at leaſt as to vary the ſame to a ſimple renewal of the former act and commiſſion for examining the witneſſes already cited for both parties, and to a prorogation of the term for reporting till the 12th of November, leaving out the other words of the interlocutor above complained of.* 2do, *To find that the proof reprobator, attempted on the part of the reſpondents, cannot be admitted incidentally as part of the proof in the principal cauſe; but that the ſame muſt proceed in the regular and eſtabliſhed form above mentioned: And therefore, to ordain the depoſitions of the ſaid Margaret Ounſtoun and Chriſtian Thomſon to be expunged from the proof; and alſo to ordain ſuch other depoſitions, or parts of them, as are liable to, and have had the ſame objections made to them, to be expunged from the proof. And* 3tio, *To ordain the depoſition of the ſaid Mr John Cheiſely to be likeways expunged from the proof.*

According to juſtice, *&c.*

GEO. COKBURNE.

Edinburgh, July 15. 1766, I James Hardie writer in Edindinburgh, agent for the petitioners, did intimate to John Flockhart writer there, agent for the defenders, That this petition was to be put into the Lords boxes this day in order to moved to-morrow: This I did by delivering a printed copy of the ſaid petition, with a ſhort note of intimation ſubjoined thereto, intimating, as above, to the ſaid John Flockhart perſonally, betwixt the hours of ten and twelve forenoon, before theſe witneſſes Robert Methven and Robert Smith both writers in Edinburgh.

JAMES HARDIE.